

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

STEPHEN BAIN,

**RULE 7.1 STATEMENT**

Plaintiff,

-against-

Index No.: 07 CIV 8021

THE CITY OF NEW YORK, THE NEW  
YORK CITY POLICE DEPARTMENT,  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION POLICE DEPARTMENT,  
LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD,  
LONG ISLAND RAILROAD POLICE  
DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL  
MCDADE - shield 2020, and "JOHN DOES"  
(names not know and fictitious)- POLICE  
OFFICER,

Defendants.

-----X

COUNSELORS:

Pursuant to Federal Rule of Civil Procedure 7.1 (formerly Local General Rule 1.9) and  
to enable District Judges and Magistrate Judges of the Court to evaluate possible  
disqualification or recusal, the undersigned counsel for Metropolitan Transportation Authority

and Long Island Rail Road Company certifies that the following are corporate parents, affiliates and/or subsidiaries of said parties, which are publically held. None.

Dated: Riverhead, New York  
November 6, 2007

Yours, etc.

LEWIS JOHS AVALLONE AVILES, LLP

Attorneys for Defendants

METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION AUTHORITY POLICE  
DEPARTMENT, LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD, LONG ISLAND  
RAILROAD POLICE DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL MCDADE -  
shield 2020, and "JOHN DOES" (names not known  
and fictitious) - Police Officers

21 East Second Street

Riverhead, New York 11901

631.369.7600

By: 

Edward G. Lukoski (EL-7845)

TO:

JOSEPH T. MULLEN, JR. & ASSOCIATES

Attorneys for Plaintiff

30 Vesey Street, 15<sup>th</sup> Floor

New York, New York 10007

212.766.1177

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
STEPHEN BAIN,

Plaintiff,

**ANSWER**

-against-

Index No.: 07 CIV 8021

THE CITY OF NEW YORK, THE NEW  
YORK CITY POLICE DEPARTMENT,  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION POLICE DEPARTMENT,  
LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD,  
LONG ISLAND RAILROAD POLICE  
DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL  
MCDADE - shield 2020, and "JOHN DOES"  
(names not know and fictitious)- POLICE  
OFFICER,

Defendants.

-----X

Defendants, METROPOLITAN TRANSPORTATION AUTHORITY,  
METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT, LONG  
ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND  
RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO  
DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) -  
Police Officers by attorneys, LEWIS JOHS AVALONE AVILES, LLP., answering the  
complaint of the plaintiff, upon information and belief, respectfully show to this Court and  
allege:

1. Defendants deny having any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered "1", "2", "3", "4", "5", "6", "8", "11", 12, "13", "14", "15", "16", "17", "18", "19", "20(a)", "20(b)", "20(c)", "20(d)", "21", "22(a)", "22(b)", "22(c)", "22(d)", "23", "24", "25" and "26" of the plaintiff's Complaint.

2. Defendants admit each and every allegation contained in paragraphs numbered "7", "9" and "10" of the plaintiff's Complaint.

3. Defendants deny, upon information and belief, each and every allegation contained in paragraphs numbered "27", "28", "29", "30" and "31" of the plaintiff's Complaint.

**ANSWERING THE FIRST CAUSE OF ACTION**

4. Answering paragraph numbered "33" of the plaintiff's Complaint herein, defendants, METROPOLITAN TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) - Police Officers, repeat, reiterate and reallege each and every denial and denial of knowledge or information sufficient to form a belief heretofore made in regard to each and every paragraph of plaintiff's Complaint, designated as paragraphs "1" through "31" inclusive, with the same force and effect as though more fully set forth at length herein.

5. Defendants deny, upon information and belief, each and every allegation contained in paragraphs numbered "33", "34", "35", "36" and "37" of the plaintiff's Complaint.

**ANSWERING THE SECOND CAUSE OF ACTION**

6. Answering paragraph numbered "38" of the plaintiff's Complaint herein, defendants, METROPOLITAN TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT, LONG ISLAND RAILROAD d/ b/a MTA LONG ISLAND RAILROAD, LONG ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) - Police Officers , repeat, reiterate and reallege each and every denial and denial of knowledge or information sufficient to form a belief heretofore made in regard to each and every paragraph of plaintiff's Complaint, designated as paragraphs "1" through "37" inclusive, with the same force and effect as though more fully set forth at length herein.

7. Defendants deny, upon information and belief, each and every allegation contained in paragraphs numbered "39", "40", "41" and "42" of the plaintiff's Complaint.

**ANSWERING THE SECOND CAUSE OF ACTION**

8. Answering paragraph numbered "43" of the plaintiff's Complaint herein, defendants, METROPOLITAN TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) - Police Officers , repeat,

reiterate and reallege each and every denial and denial of knowledge or information sufficient to form a belief heretofore made in regard to each and every paragraph of plaintiff's Complaint, designated as paragraphs "1" through "42" inclusive, with the same force and effect as though more fully set forth at length herein.

9. Defendants deny, upon information and belief, each and every allegation contained in paragraphs numbered "44", "45", "46", "47", "48" and "49" of the plaintiff's Complaint.

**ANSWERING THE THIRD CAUSE OF ACTION**

10. Answering paragraph numbered "50" of the plaintiff's Complaint herein, defendants, METROPOLITAN TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) - Police Officers, repeat, reiterate and reallege each and every denial and denial of knowledge or information sufficient to form a belief heretofore made in regard to each and every paragraph of plaintiff's Complaint, designated as paragraphs "1" through "49" inclusive, with the same force and effect as though more fully set forth at length herein.

11. Defendants deny having any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered "51", "52", "53", "54" and "55" of the plaintiff's Complaint.

**ANSWERING THE FIFTH CAUSE OF ACTION**

12. Answering paragraph numbered "56" of the plaintiff's Complaint herein, defendants, METROPOLITAN TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAIL ROAD, LONG ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) - Police Officers , repeat, reiterate and reallege each and every denial and denial of knowledge or information sufficient to form a belief heretofore made in regard to each and every paragraph of plaintiff's Complaint, designated as paragraphs "1" through "55" inclusive, with the same force and effect as though more fully set forth at length herein.

13. Defendants deny, upon information and belief, each and every allegation contained in paragraphs numbered "57", "59", "64" and "65" of the plaintiff's Complaint.

14. Defendants deny having any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered "58", "60", "61", "62" and "63" of the plaintiff's Complaint.

**ANSWERING THE SIXTH CAUSE OF ACTION**

15. Answering paragraph numbered "66" of the plaintiff's Complaint herein, defendants, METROPOLITAN TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) - Police Officers , repeat,

reiterate and reallege each and every denial and denial of knowledge or information sufficient to form a belief heretofore made in regard to each and every paragraph of plaintiff's Complaint, designated as paragraphs "1" through "65" inclusive, with the same force and effect as though more fully set forth at length herein.

16. Defendants deny having any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered "67", "68", "69" and "71" of the plaintiff's Complaint.

17. Defendants deny, upon information and belief, each and every allegation contained in paragraphs numbered "70" and "72" of the plaintiff's Complaint.

**ANSWERING THE SEVENTH CAUSE OF ACTION**

18. Answering paragraph numbered "73" of the plaintiff's Complaint herein, defendant, METROPOLITAN TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) - Police Officers, repeats, reiterates and realleges each and every denial and denial of knowledge or information sufficient to form a belief heretofore made in regard to each and every paragraph of plaintiff's Complaint, designated as paragraphs "1" through "72" inclusive, with the same force and effect as though more fully set forth at length herein.

19. Defendants deny having any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered "74", "75", "76", "77", "78", "79", "80", "81", "82", "83" and "84" of the plaintiff's Complaint.



20. Defendants deny, upon information and belief, each and every allegation contained in paragraph numbered "85" of the plaintiff's Complaint.

**ANSWERING THE EIGHTH CAUSE OF ACTION**

21. Answering paragraph numbered "86" of the plaintiff's Complaint herein, defendant, METROPOLITAN TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) - Police Officers, repeats, reiterates and realleges each and every denial and denial of knowledge or information sufficient to form a belief heretofore made in regard to each and every paragraph of plaintiff's Complaint, designated as paragraphs "1" through "85" inclusive, with the same force and effect as though more fully set forth at length herein.

22. Defendants deny having any knowledge or information thereof sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered "87", "88", "89" and "90" of the plaintiff's Complaint.

23. Defendants deny, upon information and belief, each and every allegation contained in paragraph numbered "91" of the plaintiff's Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

24. Whatever injuries and/or damages were sustained by the plaintiff at the time and place alleged in the complaint were in whole or in part the result of the plaintiff's own culpable conduct.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

25. The plaintiff's complaint fails to state a cause of action as against this answering defendant.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

26. That these answering defendants acting under the scope, authority and protection of the General Business Law, Article 12(b), Section 218, and that by reason thereof, the plaintiff may not maintain this action.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

27. Upon information and belief, any past or future costs and/or expenses incurred or to be incurred by the plaintiff for medical care, dental care, custodial care or rehabilitation services, loss of earnings or other economic loss, has been or will with reasonable certainty be replaced or indemnified in whole or in part from a collateral source as defined in section 4545(c) of the CPLR.

28. If any damages are recoverable against the answering defendants, the amount of such damages shall be diminished by the amount of the funds which plaintiff has received or shall receive from such collateral source.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

29. Defendants had probable cause.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

30. Defendants used reasonable force to effectuate the arrest under the circumstances.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

31. Defendants claim privilege.

WHEREFORE, defendants demand judgment dismissing the plaintiff's complaint, together with the costs and disbursements of this action.

Dated: Riverhead, New York  
November 6, 2007

Yours, etc.

LEWIS JOHS AVALLONE AVILES, LLP  
Attorneys for Defendants  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION AUTHORITY POLICE  
DEPARTMENT, LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD, LONG ISLAND  
RAILROAD POLICE DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL MCDADE -  
shield 2020, and "JOHN DOES" (names not known  
and fictitious) - Police Officers  
21 East Second Street  
Riverhead, New York 11901  
631.369.7600

By: \_\_\_\_\_

  
Edward G. Lukoski (EL-7845)

TO:

JOSEPH T. MULLEN, JR. & ASSOCIATES  
Attorneys for Plaintiff  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, New York 10007  
212.766.1177

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

STEPHEN BAIN,

Plaintiff,

-against-

**NOTICE OF EXAMINATION  
BEFORE TRIAL**

Index No.: 07 CIV 8021

THE CITY OF NEW YORK, THE NEW  
YORK CITY POLICE DEPARTMENT,  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION POLICE DEPARTMENT,  
LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD,  
LONG ISLAND RAILROAD POLICE  
DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL  
MCDADE - shield 2020, and "JOHN DOES"  
(names not know and fictitious)- POLICE  
OFFICER,

Defendants.

-----X

COUNSELORS :

PLEASE TAKE NOTICE that, pursuant to sections 3101 and 3107 of the Civil Practice Law and Rules, the defendants, METROPOLITAN TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) - Police Officers, will cause to be taken testimony of the plaintiff, codefendants, its agents, servants or employees of said parties having knowledge of the subject matter

concerning all of the relevant facts and circumstances in connection with the issues alleged in plaintiff's complaint, including negligence, contributory negligence, liability and damages, and said persons to be examined are required to produce all books, records and papers in their custody and possession that may be relevant to the issues herein.

PLEASE TAKE FURTHER NOTICE that such examination and deposition will be taken at Lewis Johs Avallone Aviles, LLP, 30 Vesey Street, 8<sup>th</sup> Floor, New York, New York on the 16<sup>th</sup> day of January, 2008 at 10 o'clock in the forenoon of that day, or at such time and place to which the parties or their attorneys may stipulate.

Dated: Riverhead, New York  
November 6, 2007

Yours, etc.

LEWIS JOHS AVALLONE AVILES, LLP  
Attorneys for Defendants  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION AUTHORITY POLICE  
DEPARTMENT, LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD, LONG ISLAND  
RAILROAD POLICE DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL MCDADE -  
shield 2020, and "JOHN DOES" (names not known  
and fictitious) - Police Officers  
21 East Second Street  
Riverhead, New York 11901  
631.369.7600

By: 

Edward G. Lukoski (EL-7845)

TO:

JOSEPH T. MULLEN, JR. & ASSOCIATES  
Attorneys for Plaintiff  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, New York 10007  
212.766.1177

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

STEPHEN BAIN,

Plaintiff,

-against-

**DEFENDANTS'  
INTERROGATORIES  
TO PLAINTIFF**

Index No.: 07 CIV 8021

THE CITY OF NEW YORK, THE NEW  
YORK CITY POLICE DEPARTMENT,  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION POLICE DEPARTMENT,  
LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD,  
LONG ISLAND RAILROAD POLICE  
DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL  
MCDADE - shield 2020, and "JOHN DOES"  
(names not know and fictitious)- POLICE  
OFFICER,

Defendants.

-----X

COUNSELORS:

**PLEASE TAKE NOTICE**, that pursuant to Federal Rule of Civil Procedure 33 defendants hereby request that the plaintiff respond to the written interrogatories within thirty (30) days after receipt of this Demand.

1. State address and residence of plaintiff.
2. State the date and time of the occurrence.
3. State the location of the happening of the occurrence.
4. A statement of the alleged injuries and description of those claimed to be permanent.

5. The length of time confined to a hospital or other health care facility with the name of such health care facility and the dates of admission and discharge.

6. State the length of time plaintiff was under the care of physicians with the names and addresses of those physicians and the date of treatment.

7. State the name, address, and telephone number of the attorney who represented the plaintiff as a result of the resisting arrest charge on December 21, 2005.

8. State the date of birth and Social Security number of the plaintiff.

9. State the occupation of the plaintiff at the time of the alleged incident and here respective average, daily, weekly or monthly earnings.

10. State the name and address of plaintiff's employer at the time of the incident and the length of time incapacitated from such employment.

11. State in what respect did defendants contribute to or cause plaintiff's damages and/or injuries.

Dated: Riverhead, New York  
November 6, 2007

Yours, etc.

LEWIS JOHS AVALLONE AVILES, LLP

Attorneys for Defendants

METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION AUTHORITY POLICE  
DEPARTMENT, LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD, LONG ISLAND  
RAILROAD POLICE DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL MCDADE -  
shield 2020, and "JOHN DOES" (names not known  
and fictitious) - Police Officers

21 East Second Street

Riverhead, New York 11901

631.369.7600

By: \_\_\_\_\_

Edward G. Lukoski (EL-7845)

TO:

JOSEPH T. MULLEN, JR. & ASSOCIATES  
Attorneys for Plaintiff  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, New York 10007  
212.766.1177



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

STEPHEN BAIN,

Plaintiff,

-against-

**REQUEST FOR  
DOCUMENTS**

Index No.: 07 CIV 8021

THE CITY OF NEW YORK, THE NEW  
YORK CITY POLICE DEPARTMENT,  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION POLICE DEPARTMENT,  
LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD,  
LONG ISLAND RAILROAD POLICE  
DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL  
MCDADE - shield 2020, and "JOHN DOES"  
(names not know and fictitious)- POLICE  
OFFICER,

Defendants.

-----X

COUNSELORS:

Pursuant to Civil Federal Rule of Civil Procedure 34, defendants request that  
he plaintiff and/or her attorney furnish and produce the following items within 30 days of the  
receipt of this Notice:

1. Copies of all medical records, reports, diagnoses, prognoses, as well as  
hospital records, x-rays, MRI films pertaining to any claimed physical injuries in this case.
2. Copies of any adverse party statements in the possession of the plaintiff.
3. Photographs of the scene of the alleged occurrence and/or photographs of  
plaintiff's alleged injuries.

4. Duly acknowledged and written authorizations directed to the appropriate party/business/employer of the plaintiff to allow the defendants to obtain the employment records including payroll records compiled on the plaintiff or the time frame December 21, 2004 to December 21, 2006.

5. Duly executed authorization directing the release of all records pertaining to the reimbursement, replacement or indemnification of the costs of medical care, loss of earnings, or other economic loss claimed by the plaintiff herein.

6. Duly executed authorization and acknowledged written authorizations to allow the defendants to obtain the complete medical records relating to the plaintiff of all physicians or other health care providers who have consulted, examined or treated the plaintiff or each of the conditions allegedly caused or exacerbated by the occurrence described in the Complaint.

Dated: Riverhead, New York  
November 6, 2007

Yours, etc.

LEWIS JOHS AVALONE AVILES, LLP  
Attorneys for Defendants  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION AUTHORITY POLICE  
DEPARTMENT, LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD, LONG ISLAND  
RAILROAD POLICE DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL MCDADE -  
shield 2020, and "JOHN DOES" (names not known  
and fictitious) - Police Officers  
21 East Second Street  
Riverhead, New York 11901  
631.369.7600

By: \_\_\_\_\_

Edward G. Lukoski (EL-7845)

TO:

JOSEPH T. MULLEN, JR. & ASSOCIATES  
Attorneys for Plaintiff  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, New York 10007  
212.766.1177

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SUFFOLK )

VERONICA C. McKENNA, being duly sworn, deposes and says:


That deponent is not a party to this action, is over 18 years of age and resides in Manorville, New York.

That on the 7th day of November, 2007, deponent served the within **RULE 7.1 STATEMENT, VERIFIED ANSWER, NOTICE OF EXAMINATION BEFORE TRIAL, DEFENDANTS' INTERROGATORIES TO PLAINTIFF AND REQUEST FOR DOCUMENTS** upon the attorneys below set forth representing the parties, as indicated, at the addresses shown, said addresses being designated by said attorneys for that purpose, by depositing a true copy of same, enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

JOSEPH T. MULLEN, JR. & ASSOCIATES  
Attorneys for Plaintiff  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, New York 10007  
212.766.1177

  
VERONICA C. McKENNA

Sworn to before me this  
7th day of November, 2007.

  
Lois A. Skula  
Notary Public, State of New York  
Registration No.: 4966255  
Qualified in Suffolk County  
Commission Expires :May 1, 2010

SHOF SIMET

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Year 20

STEPHEN BAIN,

Plaintiff,

- against -

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, METROPOLITAN  
TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION POLICE  
DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG  
ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL  
MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious)- POLICE OFFICERS,

Defendant.

## ***Rule 7.1 STATEMENT, ANSWER AND DEMANDS***

LEWIS JOHS

Lewis Johns Aviles, LLP

Counsellors at Law

Attorneys for

Office and Post Office Address  
21 East Second Street • Riverhead, NY 11901  
631.369.7600 • Fax 631.369.7680  
FILE #:

### **CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. § 130-1.1a**

The undersigned hereby certifies that, pursuant to 22 N.Y.C.R.R. § 130-1.1a, the contentions contained in the annexed document(s) is not frivolous nor frivolously presented

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir: Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within named court on

20

☐ NOTICE OF SETTLEMENT

that an order  
settlement to the HON.  
of the within named court, at  
on

of which the within is a true copy will be presented for  
one of the judges

20

at

M.

Yours, etc.

Dated,

LEWIS JOHS